

REMARKS

Claims 1-5 are pending in the above-referenced application.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). Replacement drawing sheets 1-3 are included herewith wherein the figures are amended as follows:

FIG. 1: The controller 20 has been redrawn to include the label "Controller".

FIG. 3: The reference numeral 34 and appropriate lead lines have been included in two locations to identify the edge portions 34 of the first layer of flexible material 24; An arrow has been substituted for the lead line for the reference numeral 36; Additional reference numerals 36, 38 and 40 have been added to better identify the coating blanking material of FIG. 3.

FIG. 4: The reference numeral 14 has been added.

FIG. 5: The reference numerals 23, 24, 26, 30, 32, 34, 36, 38 and 40 have been added to identify the coating material and features thereof.

No new matter has been added to the application. Applicants submit that the replacement drawing sheets 1-3 filed herewith comply with 37 CFR 1.84. Accordingly, the Examiner's objection to the drawings should be withdrawn.

Claims 1, 3 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,277,736 to Logan, (hereinafter referred to as "Logan"). The rejection is traversed and reconsideration is respectfully requested.

Logan discloses a system that automatically weeds around graphics cut into a sheet of sign material having a backing and utilizes a tool moved relative to the sign material along a path offset from the lines of cut that define the graphic. In the manner in which the tool operates, a cutting tool cuts the graphics into the sign material. An overlay sheet is placed in registration with the graphic and is selectively bonded to the material using a pressure tool substituted for the cutting tool. The overlay sheet can then be pulled away from the sign material, thereby

pulling the weed portions away from the graphic. (See Logan, Abstract; col. 7, ll. 49-68).

In contrast, claim 1 of the present invention is directed to a method for creating a coating blanket for use in a printing press. Claim 1 includes the steps of: providing sheet-type work material having a laminated construction wherein a layer of flexible material is coupled to a carrier layer of semi-rigid material; providing a cutting apparatus having a controller coupled thereto and a cutter head having a cutting blade coupled to the cutter head. The cutting blade having a working position wherein the cutting blade engages the work material. Claim 1 also includes the steps of: programming said controller with graphic cutting data and carrier layer cutting data; causing the blade to engage the carrier layer and make multiple passes along lines of cut defined by command signals issued from the controller in accordance with the carrier layer cutting data, thereby selectively cutting through portions of the carrier layer; removing the coating blanket from the cutting apparatus; and separating a coating blanket from the coating blanket material along the lines of cut extending through the carrier layer.

Logan does not disclose a step of causing a blade to engage the carrier layer and selectively cut through portions of the carrier layer as recited in claim 1 of the present invention. Further, Logan does not disclose separating a coating blanket from the coating blanket material along the lines of cut extending through the carrier layer as recited in Applicants' claim 1.

The Examiner has identified Figs. 1 and 11a of Logan to support the anticipatory rejection of claim 1 with respect to the claimed step of causing the blade to engage the carrier layer and make multiple passes along lines of cut according to the carrier layer cutting data thereby selectively cutting through portions of the carrier layer. Further, the Examiner has identified Fig. 9 of Logan to support the rejection of claim 1 as to the step of separating a coating blanket from the coating blanket material along the lines of cut extending through the carrier layer.

For a prior art reference to anticipate a claim, the reference must disclose each and every element of a claim with sufficient clarity to prove its existence in the prior art. Motorola, Inc. v. Interdigital Tech. Corp., 43 USPQ 2d 1481, 1490 (Fed Cir. 1997) quoting In re Spada, 911 F.2d 705, 708, 15 USPQ 2d 1655, 1657 (Fed Cir. 1990). Here, nothing in Figures 1 and 11a of Logan illustrate anything to prove the existence of the method of Applicants' claim 1 including a step of causing the blade to engage the carrier layer and make multiple passes along lines of cut according to the carrier layer cutting data thereby selectively cutting through portions of the carrier layer. Clearly, the Examiner has read into the Logan reference teachings that are not there. Because the Examiner has not provided a reasonable basis to show that Logan discloses the claimed subject matter as arranged in the Applicants' claim 1, it is assumed that the Examiner has used impermissible hindsight in reviewing the claimed invention in view of the Logan reference.

Regarding Fig. 9 of Logan, nothing in Fig. 9 teaches separating a coating blanket from said coating blanket material as recited in Applicants' claim 1. In fact, to the contrary, Fig. 9 of Logan shows the graphic 18 attached to the web material 11.

Thus, for at least the above-identified reasons, Logan does not disclose each and every element of Applicants' claim 1 as arranged in the claim. Therefore, it cannot be maintained that Applicants' claim 1 is anticipated by Logan.

Additionally, claims 3 and 5 depend from claim 1 and further define the above-identified step of causing the blade to engage the carrier layer. Since, claim 1 is not anticipated by Logan for at least the above-identified reasons, dependent claims 3 and 5 are also not anticipated by Logan.

Accordingly, for at least the above-identified reasons, the rejection of claims 1, 3 and 5 under 35 U.S.C. § 102(b) as anticipated by Logan should be withdrawn and this action is requested.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan in view of U.S. Patent No. 4,920,495 to Pilkington, (hereinafter referred to as

"Pilkington"). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan in view of U.S. Patent No. 4,624,169 to Nelson, (hereinafter referred to as "Nelson").

To establish a prima facie case of obviousness for a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).


Claims 2 and 4 each depend from claim 1. The Examiner's rejections of claims 2 and 4 are based on Logan as a primary reference and the Examiner's above-identified determination that Logan anticipates Applicant's claim 1. For at least the above-identified reasons, Logan does not teach or suggest all of the elements of claim 1. Therefore, the Examiner has not established that Logan in view of Pilkington teach or suggest each and every element of claim 2 or that Logan in view of Nelson teach or suggest each and every element of claim 4.

Accordingly, for at least the above-identified reasons, claim 2 is not obvious under 35 U.S.C. § 103(a) over Logan in view of Pilkington and claim 4 is not obvious under 35 U.S.C. § 103(a) over Logan in view of Nelson. Thus, the rejections of claims 2 and 4 should be withdrawn and these claims allowed.

In view of the foregoing, it is respectfully submitted that claims 1-5 are allowable. All issues raised by the Examiner having been addressed herein, an early action to that effect is earnestly solicited.

No fees or deficiencies in fees are believed to be owed. However authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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